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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,831

Applicant(s)

BASS, SCOTT

Examiner

Daniel S. Felten

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/26/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Receipt of the Amendment filed June 26, 2006 amending independent claims 1, 14, 15 and 16, with “*ranking the debt recovery offers of the set of debt recovery offers when there is more than one debt recovery offer in the set*” is acknowledged.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 6/26/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-8 and 12-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-8 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haworth et al (US 2002/0123946) in view of Cunningham (US 6,014,645)

Haworth discloses a methods and systems for providing debt recovery and for offering debt recovery product(s) to customers having delinquent accounts (see Abstract), comprising:

--retrieving delinquent account information corresponding to a customer (see Haworth, paragraphs 0027, 0029 and 0032-0033), *as in claims 1, 15 and 16*

--determining a set of debt recovery offers for the customer based on the delinquent account information (see Haworth paragraph 0027), *as in claims 1, 15 and 16*

--receiving customer selection information from the customer, the customer selection information customizing a debt recovery product corresponding to one of the set of debt recovery offers (see Haworth, paragraph 0027), *as in claims 1, 15 and 16*

--receiving an account number from the customer and reading delinquent account information corresponding to the account from an account database (see Haworth paragraphs 0029 and 0031), *as in claims 2 and 3*

--wherein the set of recovery offers includes at least one of a debt recovery credit card offer, an installment loan offer, and a quick repayment re-payment offer (see Haworth paragraph 0027), *as in claim 4*

--wherein the set of debt recovery offers includes a debt recovery credit card offer, and installment loan offer, and a quick repayment offer (see Haworth paragraph 0027), *as in claim 5*

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--wherein the customer selection information comprises a preferred payment due date (see Haworth page 3, paragraph 0032), *as in claim 6*

--wherein the customer selection information comprises a repayment period (see page 3, paragraph 0032), *as in claim 7*

--wherein the customer selection information comprises a number of payments (see page 3, paragraph 0035), *as in claim 8*

--wherein the delinquent account information includes at least one of amount of delinquent debt, last payment date, last payment amount, type of debt, previous payment history and credit bureau history (see page 3, paragraph 0031), *as in claim 12*

--wherein the delinquent accounts are charged-off accounts (see paragraph 0029), *as in claim 13*

--An apparatus for offering debt recovery products to customers having delinquent accounts, comprising:

--an account database (*storage unit—206 or server—202*) that stores delinquent account information for a plurality of delinquent accounts (see page 3, paragraph 0031), *as in claim 14*

--an offer decision model (102) that determines a set of debt recovery offers for a customer based on delinquent account information that corresponds to the customer (see pages 2 and 3 paragraphs 0027 and 0035), *as in claim 14*

--a server (202) that receives customer selection information from the customer, the customer selection information customizing a debt recovery product corresponding to one of the set of debt recovery offers (see page 3, paragraph 0031), *as in claim 14*

--a fulfillment engine (102) that creates a debt recovery account for the customized debt recovery product (see paragraph 0027), *as in claim 14*

Haworth discloses a set of debt recovery offers when there is more than one debt recovery offer in the set (see Haworth, paragraph 0035), but fails to disclose *ranking* debt recovery offers (see claims 1, 14, 15 and 16). Cunningham discloses ranking (or rating) credit card offers appropriate to a customer (see Cunningham, Abstract, figure 2, column 4, lines 17-20; and column 4, line 53 to column 5, line 5; and figure 3, column 5, lines 18-24; and figure 4, column 6, lines 4-20). Since Haworth mentions that the debt recovery offers can come in the form of a credit card(s) (see Haworth paragraph 0012), it would have been obvious to modify Haworth to disclose the ranking of offers to provide the debt service and/or partner different levels of risk associated with the customer (see Cunningham, column 4, lines 53-64). It would have also been obvious for one of ordinary skill in the art to recognize the fact that ranking offers in Haworth that are best suited to the customer, provides an alternative incentive for the customer to pay off his or her debt by giving him or her a choice of product(s) including a choice of terms associated with the product(s) (see paragraph 0012). Thus such a modification would be an obvious expedient well within the ordinary skill in the art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's e-mail address is daniel.felten@uspto.gov. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DSF
10/13/2006

Daniel S Felten
Examiner
Art Unit 3693


ELLA COLBERT
PRIMARY EXAMINER